

assumed the control of public schools situated therein to build or purchase buildings and grounds located within or without the district or city, for the purpose of constructing gymnasia, stadia, or other recreational facilities, and to mortgage and encumber the same, and the income thereof, and to evidence the obligation therefor by the issuance of bonds to secure the payment of funds to purchase or construct or to purchase and construct the same; providing that the purchaser shall have a franchise to operate same in case of foreclosure; providing that no such obligation shall ever be a debt of any such school district or city, but solely a charge upon the property so encumbered; providing that no election for the issuance of such bonds shall be necessary; providing that the governing body of any such school district or city may in its discretion and as additional security for such bonds, encumber and pledge other income and revenues accruing to the athletic fund; providing that such project shall be deemed self-liquidating in character; providing that the cost of maintaining and operating the project shall be a first charge against the revenues of the project; providing that such bonds shall be payable from the net revenues of the project, together with all future extensions or additions thereto, or replacements thereof; providing for the payment of said bonds; providing that the holder of said bonds shall never have the right to demand payment thereof out of any funds raised or to be raised by taxation; providing that said bonds shall be approved by the Attorney General and registered by the State Comptroller; providing that no bonds authorized to be issued or executed after the expiration of one year from the effective date of this Act; providing that no land upon which is situated school improvements shall be subject to the indebtedness created hereunder; validating acts heretofore performed by school districts; enacting provisions incident and relating to the subject and purpose of this Act; and declaring an emergency."

Adjournment

On motion of Senator Weinert, the Senate, at 1:05 o'clock p. m., adjourned until 10:00 o'clock a. m. Friday, March 17, 1939.

THIRTY-EIGHTH DAY

(Friday, March 17, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called and the following Senators were present:

Aikin	Moffett
Beck	Moore
Burns	Nelson
Collie	Pace
Cotten	Redditt
Graves	Roberts
Hardin	Shivers
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weiner
Metcalf	Winfie'd

Absent—Excused

Brownlee	Spears
Small	

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senators Brownlee, Small and Spears were granted leaves of absence for today on account of important business, on motion of Senator Stone of Washington.

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, March 17, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 271, A bill to be entitled "An Act creating the 127th District Court of Harris County; defining its

jurisdiction; adjusting the business of the existing District Courts to the business thereof; prescribing the duties of the District Clerk with respect thereto; providing for the appointment of a District Judge therefor; repealing all laws in conflict therewith to the extent of such conflict only; and declaring an emergency."

Respectfully submitted,
E. R. LINDLEY,
Chief Clerk, House of Representatives.

Reports of Standing Committees

Senator Collie submitted the following reports of the Committee on Public Lands and Land Office:

Austin, Texas,
March 16, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 396, A bill to be entitled "An Act declaring the sovereignty of Texas along its seacoast, fixing its present seacoast boundary and ownership, and declaring an emergency."

Have had the same under consideration and I am instructed to report back to the Senate with the unanimous recommendation that it do pass and be printed.

COLLIE, Chairman.

Austin, Texas,
March 16, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 299, by W. E. Stone, A bill to be entitled "An Act approving the Quintana State Park offered by the citizens of Brazoria County, and declaring an emergency."

Have had the same under consideration and I am instructed to report back to the Senate with the recommendation that it do pass and be not printed.

COLLIE, Chairman.

Senator Weinert submitted the following report of the Committee on State Affairs:

Austin, Texas,
March 16, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. C. R. No. 21 by Moore, Authorizing the Board of Control to enter into a contract for a period of time not longer than to September 1, 1941, with the San Jacinto Museum of History, giving the care, custody and control of the San Jacinto Memorial Tower to the San Jacinto Museum of History to be maintained in good order by it without charge to the State of Texas, and requiring it to make no charge to the public for entering said building or museum, etc.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Austin, Texas,
March 16, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 91 by Stone of Washington, A bill to be entitled "An Act creating a Delinquent Tax Board to exist for a period of two years, prescribing the duties of said Board and the duties and authority of delinquent deputy tax collectors and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute as amended and attached hereto do pass in lieu of the original bill and be printed.

WEINERT, Chairman.

Austin, Texas,
March 16, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 226 by Hardin, A bill to be entitled "An Act defining and declaring certain telephone companies and business public utilities as virtual

monopolies and subjecting the same to the power and jurisdiction of the Railroad Commission of Texas to regulate and enact rules and regulations, orders and decisions, of the business of the same, and requiring of said utilities compliance with such rules and regulations, orders and decisions, safe, sufficient and adequate service; excepting from the provisions hereof plants owned by municipalities; fixing certain maximum charges; requiring charges of said public utilities for services and commodities to be reasonable, non-discriminatory and adequate, and providing for the reimbursement of charges collected in excess of permitted or reasonable charges to persons entitled thereto; conferring on said Commission power to subscribe methods of accounts, to require the filing of reports and schedules to determine the rates, charges, returns and practices of said utilities upon application or its own initiative; prohibiting discrimination in rates, charges or compensations received by said utilities with certain exceptions; providing for retaining control by municipal governments but permitting appeal to the Commission by the utility, etc.; providing penalty for unlawful disclosures of information received by the Commission's employees; providing that this Act shall be cumulative of all laws regarding such control in this State; providing a saving clause; repealing all laws or parts of laws in conflict herewith; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
March 16, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 297 by Cotten, A bill to be entitled "An Act regulating the execution by teachers and school employees, of assignments of salaries or wages, or any interest therein, as security for indebtedness, defining teachers and school employees, within the terms of this Act, and providing that all assignments of salary or

wages or any part thereof or interest therein not executed in accordance with the provisions of this Act shall be invalid and unenforceable,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute as amended and attached hereto do pass in lieu of the original bill and be printed.

WEINERT, Chairman.

Senator Graves submitted the following report of the Committee on Labor:

Austin, Texas,
March 17, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Labor, to whom was referred

S. B. No. 257 by Spears, A bill to be entitled "An Act to provide for the safety of employes and the traveling public upon the railroads of Texas by compelling carriers by railroads to man locomotives trains, and self-propelled engines and/or machines with specified number of competent employes; to provide the least number of men that may be employed on locomotives, trains, and self-propelled engines and/or machines,"

Have had the same under consideration, and beg leave to report our recommendation that it do not pass but that the committee substitute do pass and be printed.

SPEARS, Chairman.

Senator Van Zandt submitted the following reports of the Committee on Civil Jurisprudence:

Austin, Texas,
March 17, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 143 by Aikin,

Have had same under consideration and beg leave to report back to the Senate that S. B. No. 143, as substituted, do pass and that the substitute be printed in lieu of the original bill.

VAN ZANDT, Chairman.

Austin, Texas,
March 17, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 5 by Smith of Frio,

Have had same under consideration and beg leave to report back to the Senate that H. B. No. 5, as substituted, do pass and that the substitute be printed in lieu of the original bill.

VAN ZANDT, Chairman.

Austin, Texas,
March 17, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 312 by Shivers,

Have had same under consideration, and beg leave to report back to the Senate that it do pass and be printed.

VAN ZANDT, Chairman.

Austin, Texas,
March 17, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 225 by Graves,

Have had same under consideration and beg leave to report back to the Senate that it do pass and be printed.

VAN ZANDT, Chairman.

Austin, Texas,
March 17, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 352 by Beck,

Have had same under consideration and beg leave to report back to the Senate with the recommendation that it do pass and be printed.

VAN ZANDT, Chairman.

Austin, Texas,
March 17, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 365 by Sulak,

Have had same under consideration and beg leave to report back to the Senate with the recommendation that it do pass and be printed.

VAN ZANDT, Chairman.

Austin, Texas,
March 17, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 701 by Howard,

Have had same under consideration and beg leave to report back to the Senate with the recommendation that it do pass and be printed.

VAN ZANDT, Chairman.

Senator Moore, by unanimous consent, submitted at this time the following reports of the Committee on Game and Fish:

Austin, Texas,
March 15, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

S. B. No. 334, A bill to be entitled "An Act authorizing the Commissioners' Court of McMullen County to pay bounties on coyote scalps in McMullen County to preserve game in said county; enacting the necessary regulations in reference thereto; and declaring an emergency,"

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Austin, Texas,
March 14, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 513, A bill to be entitled "An Act to amend Chapter 17, Special Acts of the First Called Session of the Forty-second Legislature, being S. B. No. 44, permitting the seining of fish during the months of July, August, and September of any year in Hunt, Kaufman, and Rains Counties; and declaring an emergency,"

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Austin, Texas,
March 15, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 300, A bill to be entitled "An Act fixing the open season for taking squirrels in Shelby County; providing a suitable penalty for violation of this Act; repealing all conflicting laws; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Austin, Texas,
March 15, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 804, A bill to be entitled "An Act making it unlawful for any person to hunt, trap, kill, or attempt to kill by any means whatsoever, any wild turkey, Chachalaca or wild Mexican pheasant in the County of Comal for a period of four (4) years; providing a penalty; repealing all laws or parts of laws in conflict herewith; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Austin, Texas,
March 15, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 744, A bill to be entitled "An Act for the purpose of better preserving the game and fish resources of Calhoun, Matagorda, and Jackson Counties by closing certain

waters in Calhoun, Matagorda and Jackson Counties to certain types of net fishing and prohibiting the use of the oyster dredge in certain areas and making legal the operation of the pocket net or drag seine in certain waters; providing a penalty; repealing House Bill No. 232 of the Regular Session of the Forty-fifth Legislature, House Bill No. 67, Acts of the Forty-fifth Legislature, and Article 937a, Penal Code of the State of Texas; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Austin, Texas,
March 15, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

S. B. No. 381, A bill to be entitled "An Act to amend Article 880, House Bill 111, Acts of the Second Called Session, Forty-fifth Legislature, relating to the use of dogs in the hunting or pursuing or taking of any deer in certain counties; and providing a penalty,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, March 17, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 213, A bill to be entitled "An Act providing that it shall be unlawful to take or kill a brown pelican; providing a suitable penalty and declaring an emergency."

With amendments.

H. B. No. 27, A bill to be entitled "An Act amending Chapter 44, Page 67, Acts of the Fortieth Legislature of the State of Texas, passed in 1927, and declaring an emergency."

H. B. No. 28, A bill to be entitled "An Act amending Article 1839, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

H. B. No. 29, A bill to be entitled "An Act amending Article 2246, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

S. B. No. 39, A bill to be entitled "An Act to amend an Act of the Legislature passed in 1905, entitled 'Owners May Weigh & Etc.' Pertaining to Public Weighers and other acts of the Legislature pertaining to the office of Public Weigher, and other persons engaged in weighing for the public, and repealing all laws in conflict herewith, and declaring an emergency."

With amendments.

H. B. No. 31, A bill to be entitled "An Act amending Article 3370, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

H. B. No. 38, A bill to be entitled "An Act amending Articles 1961 and 1962, Revised Civil Statutes of the State of Texas as enacted in 1925, so as to provide for the regular term of the County Court for probate business as opening on each Monday of each week during the year and repealing the authority of the Commissioners' Court to establish terms of the Probate Court; repealing Article 1963, Revised Civil Statutes of Texas as enacted in 1925; and providing for the validation of all judgments rendered at other than regular terms of the Probate Court, and declaring an emergency."

S. B. No. 252, A bill to be entitled "An Act creating a special road law for Zapata County, Texas, providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of January 1, 1939, setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all acts and proceedings heretofore had by the Commissioners' Court of said County, and officers thereof, in respect to the funding or refunding of said indebtedness; providing this law shall be

cumulative of General Laws on the subject of roads and bridges and General Laws on funding or refunding bonds, not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict, and declaring an emergency."

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

Senate Bill on First Reading

Senator Stone of Washington moved that the rule relative to the introduction of bills after the first 60 days of the Regular Session of the Legislature be suspended to permit his introducing at this time a general bill.

The motion prevailed by the following vote:

Yeas—28

Aikin	Moffett
Beck	Moore
Burns	Nelson
Collie	Pace
Cotten	Redditt
Graves	Roberts
Hardin	Shivers
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield

Absent—Excused

Brownlee	Spears
Small	

The following bill then was introduced, read first time, and referred to the committee indicated:

By Senators Stone of Washington and Van Zandt:

S. B. No. 400, A bill to be entitled "An Act to amend Article 7057b, Section 2, Revised Civil Statutes, House Bill No. 11, Acts of the Regular Session, Forty-third Legislature, so as to clarify the kind of suits to be included in a class action as provided in Section 2 of said Article; to provide that suit may be filed in a Court of competent jurisdiction in Travis County, Texas, when the total taxes accrued comes in the jurisdiction of said Court; to provide that original petitions may be amended to include

additional taxes paid under protest; providing that the provisions of this Act shall apply to taxes paid under protest and where suits are now pending testing the validity and correctness of such taxes, and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

Senator Shivers moved that the rule relative to the introduction of bills after the first 60 days of the Regular Session of the Legislature be suspended to permit the introduction of a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—28

Aikin	Moffett
Beck	Moore
Burns	Nelson
Collie	Pace
Cotten	Redditt
Graves	Roberts
Hardin	Shivers
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield

Absent—Excused

Brownlee	Spears
Small	

The following bill then was introduced, read first time, and referred to the committee indicated:

By Senator Shivers:

S. B. No. 401, A bill to be entitled "An Act amending Article 625 of the Code of Criminal Procedure of the Revised Statutes of 1925, [relating to pay of veniremen]."

Referred to Committee on Criminal Jurisprudence.

Additional Signer of Senate Bill 396

On motion of Senator Shivers, and by unanimous consent, the name of Senator Moffett was added to S. B. No. 396 as a signer thereof.

Message from the Governor

A Secretary of the Governor was announced by the Doorkeeper, and was recognized by the President to

present the following message from the Governor, which was read to the Senate:

Austin, Texas,
March 17, 1939.

To the Members of the Forty-sixth Legislature:

On August 20th, 1937, the people adopted a Constitutional Amendment authorizing the Legislature to grant discounts for the prompt payment of ad valorem taxes.

I now submit to you as emergency legislation the subject of the passage of an enabling act to make effective Section 20, Article 8 of the Constitution of this State.

Respectfully submitted,
W. LEE O'DANIEL,
Governor of Texas.

Senate Bill on First Reading

By unanimous consent, the following bill (relating to a subject submitted by the Governor as an emergency matter) was introduced, read first time, and referred to the committee indicated:

By Senator Roberts:

S. B. No. 402, A bill to be entitled "An Act granting to all taxpayers in this State discounts for the advance payment of ad valorem taxes due to State and all governmental and political sub-divisions and taxing districts of the State as authorized in Section 20, Article 8 of the Constitution of this State adopted August 23rd, 1937, and declaring an emergency."

Referred to Committee on State Affairs.

Senate Bill 13 on Second Reading

Senator Lemens moved to suspend the regular order of business, to permit consideration of S. B. No. 13 at this time.

The motion prevailed by the following vote:

Yeas—22

Aikin	Lanning
Burns	Lemens
Cotten	Martin
Graves	Metcalfe
Hardin	Moffett
Head	Moore
Hill	Pace
Isbell	Redditt
Kelley	Roberts

Shivers	Stone
Stone	of Washington
of Galveston	Weinert
	Winfield

Nays—3

Collie	Van Zandt
Sulak	

Absent

Beck	Nelson
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Absent—Excused

Brownlee	Spears
Small	

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 13, A bill to be entitled "An Act to amend Sections Nos. 7, 16, 22, 23, 24, 25, 28, 30, 35, 37, and 42 of S. B. No. 111, passed at the Second Called Session of the Forty-first Legislature, and known as Chapter 61, page 100, of the General Laws passed at said Second Called Session of the Forty-first Legislature, and by adding four new sections to said Chapter to be known as Sections numbered 10-a, 38-a, 38-b, and 58-a, so as to provide for the supervision and control of building and loan associations; providing for the appointment of a building and loan supervisor, building and loan examiners and other employees, and providing for their qualifications; providing for joint examinations by certain regulatory authorities, and authorizing the furnishing of information by such examiners to other regulatory officers and authorities; providing that remedies therein contained are accumulative; etc., and declaring an emergency."

The bill was read second time.

Senator Lemens offered the following committee amendment to the bill:

Strike out all of sub-paragraph (d) of proposed amendment to paragraph Sec. 16, and insert in lieu thereof the following:

"(d) Any person aggrieved by any order, ruling or act whatsoever in the progress of such liquidation, shall have the right of appeal to the court having jurisdiction for a review of such order, ruling or act. Such review shall be by petition by complainant and answer by the commissioner and shall be tried de novo and judgment required as in other civil cases.

An appeal shall lie from such judgment as in other civil cases."

Question—Shall the amendment be adopted?

On motion of Senator Lemens, the bill was tabled subject to call.

Senate Bill 398 on Second Reading

On motion of Senator Weinert and by unanimous consent, Senate Rule 31a was suspended, and the regular order of business was suspended, to permit consideration of S. B. No. 398 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 398, A bill to be entitled "An Act providing that all independent school districts in this State whether created by general or special law or laws, having a tax rate of less than One Dollar (\$1.00) upon each One Hundred Dollar (\$100.00) taxable valuation of property, subject to taxation in such district, may be authorized by a majority vote of the qualified taxpaying voters of said district, to levy and collect an annual tax not to exceed in any one year One (\$1.00) Dollar on the One Hundred (\$100.00) Dollars valuation of taxable property in said district; repealing all laws and parts of laws in conflict herewith, both general and special, and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 398 on Third Reading

Senator Weinert moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 398 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Kelley
Beck	Lanning
Burns	Lemens
Collie	Martin
Cotten	Metcalf
Graves	Moffett
Hardin	Moore
Head	Nelson
Hill	Pace
Isbell	Redditt

Roberts	Sulak
Shivers	Van Zandt
Stone	Weinert
of Galveston	Winfield
Stone	
of Washington	

Absent—Excused

Brownlee	Spears
Small	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Moffett
Beck	Moore
Burns	Nelson
Collie	Pace
Cotten	Redditt
Graves	Roberts
Hardin	Shivers
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield

Absent—Excused

Brownlee	Spears
Small	

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, March 17, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House is returning S. B. No. 173 by authority of S. C. R. No. 12.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

Reports of Standing Committees

Senator Winfield, by unanimous consent, submitted at this time the following report of the Committee on Banking:

Austin, Texas,
March 17, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred

H. B. No. 47, A bill to be entitled "An Act to amend Article 2462, Revised Civil Statutes of Texas of 1925, as amended by Acts of the Forty-first Legislature, Regular Session, Chapter 17, page 46, Section 1, providing for the receiving, lending, and investing of funds of Credit Unions, and the regulating thereof; and amending Article 2475, Revised Civil Statutes of Texas of 1925, as amended by Acts of 1929, Forty-first Legislature, Regular Session, Chapter 17, page 46, providing for the lending of the capital, deposits, and surplus funds of the Association and the deposit thereof; and amending Article 2477, Revised Civil Statutes of Texas of 1925, as amended by Acts of 1929, Forty-first Legislature, Regular Session, Chapter 17, page 46, Section 1, providing the conditions under which loans may be made by Credit Unions; and amending Article 2484, Revised Civil Statutes of Texas of 1925, as amended by Acts of 1929, Forty-first Legislature, Second Called Session, Chapter 85, page 168, Section 1, as amended by Acts of 1937, Forty-fifth Legislature, Regular Session, Chapter 117, page 217, Section 1, providing for reports to the Banking Commissioner, and the fees therefor; and providing for a penalty for failure to file such reports; and providing for certain exemptions from taxation; defining terms; providing a saving clause; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass and be printed.

WINFIELD, Chairman.

Senator Stone of Galveston, by unanimous consent, submitted at this time the following report of the Committee on Stock and Stock Raising:

Austin, Texas,
March 16, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

S. B. No. 394, A bill to be entitled "An Act relating to marks and brands of livestock in Brazoria County only; amending Article 6899 of the Revised Civil Statutes of Texas, by adding thereto a new Section to be known as Article 6899d, requiring that each owner of any livestock mentioned in Chapter 1, of Title 121, of the Revised Civil Statutes of Texas, of 1925, shall within six (6) months after this Act takes effect, have his mark and brand for such stock recorded at the office of the County Clerk; and providing that such owners shall so record such marks and brands whether heretofore recorded or not and that after the expiration of six (6) months from taking effect of this Act all records and marks and brands now in existence shall no longer have any force or effect and that after the expiration of six (6) months only the records made after this Act shall be effective and considered the recorded marks and brands in each County; and further providing that the County Clerk shall publish this Act in some newspaper in general circulation in the County for a period of thirty (30) days; and declaring an emergency."

Have had the same under consideration and we wish to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Chairman.

Senate Bill 275 on Second Reading

On motion of Senator Burns and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 275 at this time.

The President laid before the Senate, on its second reading and passage to engrossment:

S. B. No. 275, A bill to be entitled "An Act to reorganize the 87th Judicial District of Texas, to be constituted of Limestone, Freestone, Anderson and Leon Counties, Texas, and to provide for the terms thereof; to provide that the Judge of the 87th Judicial District shall continue to serve in said District and the period thereof; and to provide that the District Attorney of the 12th Judicial District, now elected and acting, shall represent the State in all criminal and civil cases in which the State is interested hereafter tried in the 87th Judicial District in Leon County, Texas, and to provide that the Dis-

trict Clerk in the respective counties composing the 87th Judicial District herein reorganized, shall serve as the District Clerks of the 87th Judicial District; and to provide that all processes and writs issued or served and recognizances and bonds and undertakings entered into before this Act takes effect and made returnable to the 87th Judicial District in Limestone, Freestone, and Anderson Counties, shall be considered as returnable to the next succeeding term of the 87th Judicial District Court in reorganizing the same, and to provide that all grand and petit juries drawn and selected under the existing laws, in either Anderson, Limestone, Freestone, or Leon Counties, shall be considered as legally drawn and selected for the next ensuing term of the District Court of their respective counties, providing for the jurisdiction of said 87th Judicial District; etc., and declaring an emergency."

The bill was read second time.

Senator Burns offered the following (committee) amendments to the bill:

(1)

Amend Sec. 6 of S. B. 275 so as to read as follows:

In all counties wherein there are two separate District Courts, under the provisions of this Act, either of the Judges of said Courts may in their discretion, either in term time, or vacation, transfer any case or cases, civil or criminal, that may, at any time be pending in his Court, to the other District Court in said county, by order or orders entered upon the minutes of the Court making such transfer; and, when such transfer or transfers are made, the clerks of said Court shall enter such case or cases upon the dockets of the Court to which such transfer or transfers are made, and when so entered upon the docket the judge of said Court shall try and dispose of said cases in the same manner as if such cases were originally filed in said Court.

(2)

Amend Section 4 of S. B. 275 by adding thereto the following:

In Anderson County, the District Attorney of the Third Judicial District now elected and acting, shall continue to represent the State in

all criminal and civil actions in which the State is interested, arising in the 87th District Court of said County. In Freestone and Limestone Counties, the County Attorney of each County shall continue to represent the State in all criminal and civil actions in which the State is interested, arising in the 87th Judicial District in said counties respectively.

(3)

Amend the caption to the bill by inserting in the last line and after the word "provisions," the following:

"providing for transfer of cases pending in said courts; and providing that the District Attorney of the Third Judicial District shall continue to represent the State in the 87th District Court in Anderson County in all cases in which the State is interested; and that the County Attorney in Limestone and Freestone Counties shall continue to represent the State in said Counties in all civil and criminal cases in which the State is interested, arising in the 87th District Court in said Counties."

The amendments were adopted severally.

The bill was passed to engrossment.

Senate Bill 275 on Third Reading

Senator Burns moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 275 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moffett
Beck	Moore
Burns	Nelson
Collie	Pace
Cotten	Roberts
Graves	Shivers
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Martin	Winfield
Metcalf	

Absent—Excused

Brownlee	Small
Redditt	Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Moffett
Beck	Moore
Burns	Nelson
Collie	Pace
Cotten	Roberts
Graves	Shivers
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Martin	Winfield
Metcalf	

Absent—Excused

Brownlee	Small
Redditt	Spears

House Bill 92 on Third Reading

The President laid before the Senate, on its third reading and final passage:

H. B. No. 92, A bill to be entitled "An Act amending Article 2618 of the Revised Civil Statutes of 1925, changing the status of John Tarleton Agricultural College from a Junior College to a standard four-year college, and providing for a course of study for said College; and amending Article 2620 of the Revised Civil Statutes of 1925, changing the name of North Texas Junior Agricultural, Mechanical and Industrial College at Arlington to the name of North Texas Agricultural College, and placing said school under the Board of Directors of the Agricultural and Mechanical College of Texas; and amending Article 2621 of the Revised Civil Statutes of 1925, changing the status of said junior college to a standard four-year college, and providing for a course of study for the same; and expressly repealing Articles 2622 and 2623 of the Revised Civil Statutes of 1925, and declaring an emergency."

Senator Moffett raised a point of order against the reading or consideration of the bill at this time on the ground that under joint rule 20 it may not be further considered until Calendar Wednesday of next week.

Senator Hill moved that the Senate adjourn until 10:00 o'clock a. m., Monday, March 20, 1939.

Yeas and nays were demanded, and the motion to adjourn was lost by the following vote:

Yeas—11

Beck	Pace
Hill	Roberts
Isbell	Shivers
Lanning	Stone
Metcalf	of Washington
Moffett	Weinert

Nays—15

Aikin	Martin
Burns	Moore
Collie	Nelson
Cotten	Stone
Graves	of Galveston
Hardin	Sulak
Head	Van Zandt
Kelley	Winfield
Lemens	

Absent—Excused

Brownlee	Small
Redditt	Spears

The President then overruled the point of order made by Senator Moffett.

The bill was read third time.

Question—Shall the bill be passed?

Senator Hill moved that the Senate adjourn until 10:00 o'clock a. m., next Monday, March 20, 1939.

Yeas and nays were demanded, and the motion was lost by the following vote:

Yeas—11

Beck	Pace
Hill	Roberts
Isbell	Shivers
Lanning	Stone
Metcalf	of Washington
Moffett	Weinert

Nays—14

Aikin	Martin
Burns	Moore
Collie	Nelson
Cotten	Stone
Graves	of Galveston
Hardin	Sulak
Head	Van Zandt
Kelley	Winfield
Lemens	

Absent—Excused

Brownlee	Small
Redditt	Spears

Senator Van Zandt moved the previous question on the passage of the bill, and the motion was duly seconded.

The Senate refused to order the main question at this time by the following vote:

Yeas—13

Cotten	Moore
Graves	Nelson
Hardin	Stone
Head	of Galveston
Kelley	Sulak
Lemens	Van Zandt
Martin	Winfield

Nays—14

Aikin	Moffett
Beck	Pace
Burns	Roberts
Collie	Shivers
Hill	Stone
Isbell	of Washington
Lanning	Weinert
Metcalf	

Absent—Excused

Brownlee	Small
Redditt	Spears

After further debate, Senator Collie moved the previous question on the passage of the bill, and the motion was duly seconded.

The main question was ordered by the following vote:

Yeas—13

Collie	Martin
Cotten	Moore
Graves	Nelson
Hardin	Stone
Head	of Galveston
Kelley	Sulak
Lemens	Van Zandt

Nays—12

Beck	Pace
Burns	Roberts
Hill	Shivers
Isbell	Stone
Lanning	of Washington
Metcalf	Weinert
Moffett	

Absent—Excused

Brownlee	Small
Redditt	Spears

Paired

Senator Aikin (present), who would vote yea, with Senator Winfield (absent), who would vote nay.

Question—Shall the bill be passed?

Pending an address by Senator Hill on the question, "Shall the bill be passed?" Senator Pace asked unanimous consent to move:

That Senator Hill be allowed to continue his address when further consideration of H. B. No. 92 is resumed, and that the Senate adjourn until 10:00 o'clock a. m., next Monday, March 20, 1939.

There was no objection offered to the request, and Senator Pace made the motion as stated.

Yeas and nays were demanded, and the motion was lost by the following vote:

Yeas—12

Aikin	Pace
Beck	Roberts
Hill	Shivers
Isbell	Stone
Lanning	of Washington
Metcalf	Weinert
Moffett	

Nays—13

Burns	Lemens
Collie	Martin
Cotten	Moore
Graves	Nelson
Hardin	Stone
Head	of Galveston
Kelley	Sulak

Absent

Van Zandt

Absent—Excused

Brownlee	Spears
Redditt	Winfield
Small	

Question recurred—Shall the bill be passed?

Senator Hill continued his address.

Adjournment

Senator Roberts moved that the Senate adjourn until 10:00 o'clock a. m., Monday, March 20, 1939.

Yeas and nays were demanded, and vote on the motion to adjourn was announced:

Yeas 12, Nays 12.

The President voted yea, and the motion prevailed by the following vote:

Yeas—13

Mr. President	Moffett
Aikin	Pace
Beck	Roberts
Hill	Shivers
Isbell	Stone
Lanning	of Washington
Metcalf	Weinert

Nays—12

Collie	Martin
Cotten	Moore
Graves	Nelson
Hardin	Stone
Head	of Galveston
Kelley	Sulak
Lemens	

Absent

Burns Van Zandt

Absent—Excused

Brownlee	Spears
Redditt	Winfield
Small	

The Senate, accordingly, at 1:35 o'clock p. m., adjourned until 10:00 o'clock a. m. Monday, March 20, 1939.

THIRTY-NINTH DAY

(Monday, March 20, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield